IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 926 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
MARCH 07, 2007.

Heard Shri A.S. Manohar, learned counsel for the petitioners, Shri Kulkarni, learned counsel for respondents No. 1 & 2 and Shri Damle, learned counsel for respondent No.3.

The grievance made by the petitioners is that though Respondent No.3 has completed 12 years of service as Laboratory Attendant, benefit of policy decision to extend him next higher pay scale cannot be given because he does not possess minimum requisite qualification of S.S.C. It is stated that inadvertently management released said benefit but then realising the mistake, the said benefit was withdrawn and the employee then first approached this Court in writ petition, withdrew it and then approached the Grievance Committee. By the impugned order

dated 9.9.2005, the Grievance Committee has directed the management to restore the order releasing said benefit in favour of Respondent No.3.

Shri Manohar, learned counsel contends that the order does not show any application of mind and controversy has not at all been adjudicated upon.

Shri Kulkarni as also Shri Damle, learned counsel support the impugned order passed by the Grievance Committee. They state that the issue was discussed and thereafter appropriate resolution has been passed. It is contended that the order is in the form of resolution and hence it may not contend all appropriate reasons.

After hearing parties, I find that question whether action of the petitioner – management in withdrawing the benefit extended because Respondent No.3 did not possess minimum required qualification, ought to have been decided by the Grievance Committee. The Grievance Committee has not referred to any aspect relevant for said decision and it has not found that action of management was incorrect. In these

circumstances, it is clear that the impugned order shows total non application of mind and in the absence of adjudication, it is required to be quashed and set aside.

Accordingly, said order dated 9.9.2005 is quashed and set aside. The proceedings are restored back to the Grievance Committee. The Grievance Committee shall rehear parties in accordance with law and pass appropriate orders with reasons. Writ Petition is disposed of. Rule accordingly. No costs.

JUDGE

*GS.